



# Montgomery County Council

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**For Immediate Release**

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**July 27, 2005**

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## **COUNCIL REJECTS "BROAD BRUSH" DEVELOPMENT MORATORIUM; SUPPORTS MORE EFFECTIVE, TARGETED REMEDIES**

The Montgomery County Council today approved a focused plan to strictly review development in the County while rejecting an across-the-board moratorium.

The action came after a full day of briefings and public testimony on violations by developers of height and setback requirements in Clarksburg which have raised broader questions regarding the regulation of development in the County as a whole.

The moratorium, which required six votes for passage, was defeated with 4 votes in favor and 3 against. The more targeted approach, co-sponsored by Councilmembers Tom Perez, Phil Andrews, George Leventhal, and Marilyn Praisner, then passed unanimously.

"We all agree that a critical step in restoring public confidence in the planning process is to ensure that we take aggressive, appropriate measures in the short term that are useful and responsive to the problems," said Council President Tom Perez. "We must also ensure that the short term measures are proportionate, and we must work hard to implement short term solutions that do not represent an overreaction to the problem, and we must work hard to minimize the collateral damage to innocent third parties.

"We have a crisis of confidence in our development review and implementation processes. We must attempt to put in place a series of short term measures that will restore the integrity of the process, but will do so in a surgical manner."

The approved Council resolution, sponsored by Councilmembers Phil Andrews, Marilyn Praisner, George Leventhal, and Perez, reads:

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND

Subject: Council Mandated Measures to Assure Compliance with Site Plans

Background

1. Serious failures in the enforcement of site plans during construction in Clarksburg Town Center have been exposed through the efforts of citizen activists; and
2. The public trust in Montgomery County's development management has been seriously damaged by these failures; and
3. The enforcement of site plan conditions and requirements is essential to the safety and well-being of County residents; and
4. The County Council has oversight responsibility to ensure that agencies responsible for these activities are fully exercising their obligations; and
5. The County Council has initiated detailed reviews of the process and actions taken and not taken in the Clarksburg Town Center; and
6. The following actions by the Montgomery County Planning Board and the Department of Permitting Services will ensure thorough review and compliance of building permits with site plans while reviews of the planning and enforcement process are pending;
  - No new building permits will be issued in Clarksburg Town Center development until further review and certification of compliance with appropriate site plans by Park and Planning and the Department of Permitting Services.
  - All requests to amend site plans in Clarksburg must be deferred until reviews of what went wrong in Clarksburg and elsewhere are completed and the Council has an opportunity to take necessary actions.
  - The Department of Permitting Services, Department of Public Works and Transportation, and the Planning Board will review the road infrastructure within the Clarksburg Town Center, and will provide the Council with a report by August 15, 2005 regarding the status of the implementation of the provisions of the Clarksburg Town Center site plans pertaining to road infrastructure, including recommendations for ensuring that the necessary road infrastructure is in place in a timely fashion.

- A countywide freeze on issuance of Building Permits in site plan zones (residential and commercial) is in place until height limit and setback requirements can be verified by the DEpartment of Permitting Services.
- Almost 200 building permit applications (residential and commercial) are currently pending with county authorities. No permits will be issued until each applicant resubmits site plans that disclose height and setback compliance. Department of Permitting Services and the Planning Board will be required to verify the setback and height restrictions spelled out in the approved site plan.
- Any building permit application that uses of the term “story” to describe the height of the structure, instead of indicating height by actual measurement of the building, will be rejected.
- The Planning Board and Department of Permitting Services must conduct an immediate audit of site plans approved throughout Montgomery County after January 1, 2003 to ensure that work being done is in accordance with the specifications of the approved plans. Planning Board and Department of Permitting Services should immediately suspend development in any site plan where violations are uncovered.
- Park and Planning mid-level personnel must no longer approve “administrative” or so-called minor amendments to site plans. The Director of Park and Planning must personally approve every amendment to a site plan that is not considered by the Planning Board and any site plan amendment review, major or minor, must include public notice.
- Subject to Council approval the Department of Permitting Services and the Planning Commission must submit to the County Council by July 30, 2005 a staffing plan to increase the number of personnel dedicated to site plan and other enforcement duties. The resources for additional personnel will come from increased fees on developers and builders, not from taxpayer funded sources.
- Existing personnel within the Department of Permitting Services and the Planning Board must be immediately re-deployed to perform site plan inspection functions. The County Council will be provided with a plan for training new and redeployed employees.
- The Department of Permitting Services and the Planning Board will immediately begin the process of recruiting additional, qualified personnel to perform enforcement functions for the two agencies.
- The builders and developers involved in the proceeding pending before the Planning Board pertaining to the Clarksburg Town Center development have agreed to the community’s request that the Planning Board investigate and adjudicate **all** allegations of

violations prior to adjudication of the sanctions. The Council endorses this approach.

#### Action

The County Council for Montgomery County, Maryland urges the Montgomery County Planning Board and the Department of Permitting Services to take these actions immediately. The Chair of the Planning Board and the Director of the Department of Permitting Services shall provide biweekly reports to the Council updating the Council on the progress in implementing each of the steps outlined in paragraph 7.